

December 5, 2019

Via ECF

Hon. Roanne L. Mann
Chief Magistrate Judge
United States District Court
For the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Joint Status Update; *Suffolk County Water Authority v. The Dow Chemical Company et al.*, No. 2:17-cv-6980-NG-RLM, and Related Cases

Dear Judge Mann:

Pursuant to the Court's August 13, 2019 Order, the Parties submit this Joint Status letter describing the discovery issues they intend to address at the status conference scheduled for December 10, 2019.

On November 26, 2019, the Parties exchanged preliminary fact sheets and accompanying document productions. The fact sheets were intended to replace initial disclosures and to facilitate an exchange of information that would help frame subsequent formal discovery and lay the groundwork for discussions about case management. The fact sheet exchanges included:

- Submissions from 22 of the 27 Plaintiffs. The responding Plaintiffs produced more than 27,000 pages of documents with their responses. The five remaining Plaintiffs filed their complaints after the fact-sheet process was agreed to, and the Parties are conferring to set an appropriate deadline for fact sheet responses after Defendants' deadline to respond to the complaints in those cases.
- Submissions from all five Defendants. Defendant The Dow Chemical Company served 7,530 pages of documents; Defendant Ferro Corporation served 124 pages; Defendant Vulcan Materials Company served 357 pages; Defendant Procter & Gamble served 35 pages; and Defendant Shell Oil Company served 13 pages.

The Parties met and conferred telephonically on December 3, 2019. The parties acknowledged the need for additional time to digest the information that was produced and to identify and try to resolve any issues relating to the fact sheet responses. That process began during the December 3 call, but is not complete. Some issues have already been resolved, and discussions concerning other issues are continuing, with similar progress expected.

During the conference, the parties also discussed the scope of a broader discovery schedule for all the cases. Those discussions are also continuing. The parties expect to report to

Hon. Roanne L. Mann

December 5, 2019

Page 2

the Court at next week's conference the status of these discussions and any unresolved issues relating to the fact sheet responses.

The parties look forward to meeting with the Court on December 10.

Respectfully submitted,

/s/ Matthew K. Edling

Matthew K. Edling

MATTHEW K. EDLING

matt@sheredling.com

VICTOR M. SHER

vic@sheredling.com

STEPHANIE D. BIEHL

stephanie@sheredling.com

KATIE H. JONES

katie@sheredling.com

TIMOTHY J. SLOANE

tim@sheredling.com

SHER EDLING LLP

100 Montgomery St. Suite 1410

San Francisco, CA 94104

(628) 231-2500

*Attorneys for Plaintiffs*¹

SCOTT MARTIN

smartin@hausfeld.com

JEANETTE BAYOUMI

jbayoumi@hausfeld.com

HAUSFELD LLP

33 Whitehall St., 14th Floor

New York, NY 10004

(646) 357-1100

RICHARD S. LEWIS

rlewis@hausfeld.com

HAUSFELD LLP

1700 K Street, NW, Suite 650

Washington, DC 20006

¹ The Sher Edling firm represents all Plaintiffs in these related cases except Plaintiffs New York American Water (19-cv-2150) and Hicksville Water District (19-cv-5632).

Hon. Roanne L. Mann
December 5, 2019
Page 3

(202) 540-7200

KATIE R. BERAN
kberan@hausfeld.com
HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106
(215) 985-3270

Attorneys for Plaintiff Suffolk County Water Authority

FRANK R. SCHIRRIPA
fschirripa@hrsclaw.com
MICHAEL A. ROSE
mr@hachroselaw.com
HILLARY M. NAPPI
hnappi@hrsclaw.com
HACH ROSE SCHIRRIPA & CHEVERIE, LLP
112 Madison Avenue - 10th Floor
New York, New York 10016
(212) 213-8311

J. NIXON DANIEL, III
jnd@beggsllane.com
MARY JANE BASS
mjb@beggsllane.com
BEGGS & LANE, RLLP
501 Commendencia Street
Pensacola, FL 32502
850-469-3306

T. ROE FRAZER, II
roe@frazer.law
THOMAS ROE FRAZER, III
trey@frazer.law
W. MATTHEW PETTIT
mpettit@frazer.law
FRAZER PLC
30 Burton Hills Blvd
Suite 450
Nashville, TN 37215
615-647-0987

*Attorneys for Plaintiff New York American Water
Company, Inc.*

Hon. Roanne L. Mann
December 5, 2019
Page 4

/s/ Joel Alan Blanchet

Joel Alan Blanchet

JOEL ALAN BLANCHET
jblanchet@phillipslytle.com
ANDREW P. DEVINE
adevine@phillipslytle.com
PHILLIPS LYTLE LLP
One Canalside
125 Main Street
Buffalo, NY 14203
(716) 847-7050

Attorneys for Defendant The Dow Chemical Company

KEVIN T. VAN WART
kevinvanwart@kirkland.com
NADER R. BOULOS
nboulos@kirkland.com
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000

Attorneys for Defendant The Dow Chemical Company

ROBB W. PATRYK
robb.patryk@hugheshubbard.com
FARANAK SHARON TABATABAI
fara.tabatabai@hugheshubbard.com
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, NY 10004
(212) 837-6000

Attorneys for Defendant Ferro Corporation

STEPHEN C. DILLARD
steve.dillard@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

Hon. Roanne L. Mann
December 5, 2019
Page 5

FELICE B. GALANT
felice.galant@nortonrosefulbright.com
NORTON ROSE FULBRIGHT US LLP
1301 Avenue of the Americas
New York, NY 10019
(212) 318-3000

Attorneys for Defendant Vulcan Materials Company

MEGAN ROSE BRILLAULT
mbrillaault@bdlaw.com
DANIEL MARK KRAININ
dkrainin@bdlaw.com
PAULA J. SCHAUWECKER
pschauwecker@bdlaw.com
BEVERIDGE & DIAMOND P.C.
477 Madison Avenue
15th Floor
New York, NY 10022
212-702-5400

Attorneys for Defendant Shell Oil Company

DAVID J. LENDER
david.lender@weil.com
JED PAUL WINER
jed.winer@weil.com
WEIL, GOTSHAL & MANGES, LLP
767 Fifth Avenue
New York, NY 10153
212-310-8000
DIANE P. SULLIVAN
diane.sullivan@weil.com
RACHEL ANNE FARNSWORTH
rachel.farnsworth@weil.com
WEIL GOTSHAL & MANGES LLP
17 Hulfish Street, Suite 201 Princeton, NJ 08542
609-986-1120

Attorneys for Defendant The Procter & Gamble Company

cc: All Counsel of Record (by ECF)